

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:19-cr-191-SPC-NPM

ANDREW VIKASH KUMMETH

ORDER¹

This matter comes before the Court on Defendant Andrew Vikash Kummeth's Unopposed Motion to Receive Testimony Remotely at Sentencing ([Doc. 75](#)). The Court will allow Kummeth's mental health expert to testify remotely at sentencing. Yet all typical courtroom formalities will be followed. For instance, the witness must wear appropriate attire and comply with the Court's schedule. The witness will be sworn in and his testimony will have the same effect as if he were in court. The witness must remain situated near the center of the screen in front of an appropriate background. No other person may be in the room with the witness for his testimony. And the witness may not record any part of the proceedings.

To ensure an accurate, clear, and secure transmission, the witness will testify using the Court's courtroom videoconferencing capabilities. As with all

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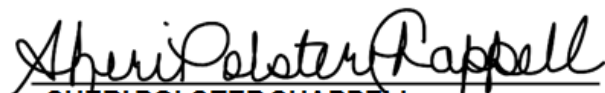
technology, however, this videoconference system is not immune from mishaps. If an error occurs during the witness' testimony, the remainder of the testimony will be taken by phone. The Court will provide a backup call-in number. To minimize that chance, Kummeth's counsel must contact the courtroom technology staff to coordinate the videoconferencing on or before March 11, 2021. The point of contact is Michael Suchan, and his direct phone number is (239) 461-2076. Further, on March 12, Kummeth's counsel and the witness must test the system to ensure the remote testimony will work at sentencing. Court personnel will be in the courtroom during that test to ensure everything works and troubleshoot problems.

Accordingly, it is now

ORDERED:

Defendant's Unopposed Motion to Receive Testimony Remotely at Sentencing ([Doc. 75](#)) is **GRANTED subject to testing the videoconferencing system.**

DONE AND ORDERED in Fort Myers, Florida on March 10, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record